



FREDERICK COUNTY PLANNING COMMISSION

April 9, 2014

TITLE: **Zoning Ordinance Text Amendment**

FILE NUMBER: **ZT-14-01**

REQUEST: A public hearing will be held for a Zoning Ordinance Text Amendment to revise the provisions related to residential accessory structures. Staff is requesting a recommendation on the text amendment.

PROJECT INFORMATION:

ADDRESS/LOCATION: N/A
TAX MAP/PARCEL: N/A
COMP. PLAN: N/A
ZONING: N/A
PLANNING REGION: N/A
WATER/SEWER: N/A

APPLICANT/REPRESENTATIVES:

APPLICANT: N/A

STAFF: Larry Smith, Zoning Administrator

RECOMMENDATION:

Staff requests a recommendation from the Planning Commission on the proposed text amendment.

ATTACHMENTS:

Exhibit 1- Text Amendments ZT-14-01
Exhibit 2 – Public Hearing Ordinance

STAFF REPORT

ISSUE

The Board of County Commissioners (BOCC) has received a request for review of specific sections of the Zoning Ordinance for possible revision to the residential accessory structure provisions. This text amendment was presented to the BOCC on February 20, 2014 for review and direction. At that meeting the BOCC directed Staff to take the amendments contained in Exhibit 1 – Zoning Ordinance Text Amendment (ZT-14-01) through the public hearing process. Staff is requesting a recommendation from the Planning Commission on the proposed text amendment.

BACKGROUND

ARTICLE VIII: SPECIFIC USE REGULATIONS

DIVISION 2. ACCESSORY USES

§ 1-19-8.240 ACCESSORY USES ON RESIDENTIAL PROPERTY

Accessory Structures on Residential Property

A request has been received for consideration of amendments to § 1-19-8.240 (B) to allow one (1) accessory structure located on a residentially zoned property to exceed the existing footprint limits of ½ of the principal dwelling footprint or 600 square feet, whichever is greater, provided that the footprint of the oversize accessory structure does not exceed 2,000 square feet.

The proposed increase in square footage would be limited to the Residential-1 zoning district on lots greater than 20,000 square feet in size.

Staff reviewed the Minimum Lot Requirements for Single Family Homes in all of the residential zoning districts in an effort to limit the oversize accessory structure to zoning districts with larger lot size requirements.

<u>Residential Zoning District</u>	<u>Minimum Lot Size requirement for a Single Family Dwelling</u>
R-1	40,000 square feet
R-3	12,000 square feet
R-5	8,000 square feet
R-8	6,000 square feet
R-12	6,000 square feet
R-15	6,000 square feet

Due to the smaller lot size requirements of the R-3 thru R-15 zoning districts, along with an effort to reduce potential adverse impacts to adjacent property owners, the oversize accessory structure would be allowed in the R-1 zoning district on lots that are at least 20,000 square feet in size.

In addition, this text amendment proposes to delete section 1-19-8.240(B)(5) that currently requires accessory structures over 12 feet in height to be set back 1 additional foot from the minimum setback for

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each foot of height over 12 feet. Staff feels that the current 6' setback requirement for accessory structures found in § 1-19-4.300(1)(A) is a sufficient restriction on the distance accessory structures must be from any lot line. It is not uncommon for lots to have more than 1 accessory structure and this section could result in a conflict between side yard and rear yard setbacks with separate accessory structures depending on the height of the accessory structure. Some could be set back 6 feet from the property line and others up to 10 feet.

The potential amendment has been compiled through public input, BOCC and Staff discussion. The proposed amendment is presented for Planning Commission review and then a recommendation is requested for this item. In addition, the Zoning Ordinance Rewrite webpage includes links to text amendment public process documents (including public hearing and adopted ordinances) for previous amendments. These documents can be accessed through the following link: <http://www.frederickcountymd.gov/index.aspx?nid=3342>.

At the February 20th meeting the BOCC directed Staff to move forward with the Accessory Structure text amendment within the Residential (R-1) zoning district only.

RECOMMENDATION

Staff is requesting a recommendation on the Text Amendment to revise the provisions related to residential accessory structures (ZT-14-01).

ATTACHMENTS:

Exhibit 1 – Text Amendment (ZT-14-01)

Exhibit 2 – Draft Ordinance